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Representing the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID A. LaFRAIN,

Defendant.

Case No. 2:17-cr-109-JCM-DJA

FOURTH STIPULATION TO
CONTINUE SENTENCING

It is hereby stipulated and agreed between the United States of America, by and through Nicholas A. Trutanich, United States Attorney, and Daniel J. Cowhig, Assistant United States Attorney, and Kristine M Kuzemka, Esq., Kuzemka Law Group, counsel for defendant David A. LaFrain, that the sentencing hearing set for Thursday, November 14, 2019 at 10:00 a.m. in Courtroom 6A before the Honorable James C. Mahan be vacated and continued to a date and time convenient to the Court but no earlier than January 23, 2020.

This stipulation is entered into for the following reasons:

1. This is a request by counsel for the United States to research sentencing issues and prepare for the sentencing hearing;

2. The additional time requested by this stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2) which allows that “the Court may, for good cause, change any limits prescribed in this rule;”

3. Counsel for defendant LaFrain and defendant LaFrain agree with the need for this continuance;

4. Defendant LaFrain is at liberty on bond and consents to the continuance;

5. The United States Probation Office supervising defendant LaFrain has not reported any significant violation of the bond conditions;

6. This is the fourth such request for continuance.

For these reasons, the ends of justice would best be served by a continuance of the sentencing hearing to a date and time convenient to the Court but no earlier than January 23, 2020.

A proposed order is attached.

Respectfully Submitted: November 12, 2019

Counsel for the Defendant
DAVID A. LaFRAIN

NICHOLAS A. TRUTANICH,
United States Attorney

_____/s//_____
KRISTINE M. KUZEMKA, Esq.
Kuzemka Law Group

_____/s//_____
DANIEL J. COWHIG
Assistant United States Attorney

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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 DAVID A. LaFRAIN,

12 Defendant.
13

Case No. 2:17-cr-109-JCM-DJA

PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

14 Findings of Fact

15 Based on the pending stipulation of counsel, and good cause appearing therefore, the
16 Court finds that:

17 7. This is a request by counsel for the United States to research sentencing issues
18 and prepare for the sentencing hearing;

19 8. The additional time requested by this stipulation is reasonable pursuant to
20 Federal Rule of Criminal Procedure 32(b)(2) which allows that “the Court may, for good cause,
21 change any limits prescribed in this rule;”

22 9. Counsel for defendant LaFrain and defendant LaFrain agree with the need for
23 this continuance;

24 10. Defendant LaFrain is at liberty on bond and consents to the continuance;

1 11. The United States Probation Office supervising defendant LaFrain has not
2 reported any significant violation of the bond conditions;

3 12. This is the fourth such request for continuance.

4 Conclusions of Law

5 The ends of justice would be served by granting a continuance of the sentencing hearing.
6 Were the continuance not granted, it would likely result in a miscarriage of justice, deny the
7 parties sufficient time to effectively and thoroughly prepare for sentencing, taking into account
8 the exercise of due diligence.

9 ORDER

10 IT IS HEREBY ORDERED, based upon the stipulation of the parties and the record in this
11 case and for good cause shown, that the sentencing hearing currently scheduled for Thursday,
12 November 14, 2019 at 10:00 a.m. is continued to January 29, 2020 at
13 10:00 a.m. in Courtroom 6A.

14 IT IS SO ORDERED November 13, 2019.

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17 _____
18 THE HONORABLE JAMES C. MAHAN
19 JUDGE, UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I certify that the following individual was served with a copy of the FOURTH
STIPULATION TO CONTINUE SENTENCING on this date by the Electronic Case File
system:

Kristine M Kuzemka
Kuzemka Law Group
1180 N. Town Center Drive, Ste. 100
Las Vegas, NV 89144
Tel: 702-949-9990
Email: kristine@kuzemkalaw.com
Counsel for David A. LaFrain

DATED: November 12, 2019

//s//
DANIEL J. COWHIG
Assistant United States Attorney